

Entered - 10/08/99 - sb
CL99L0643 - DIANNE C. MITCHELL

CLAIM OF: **ALANDRA JAMI SADOWSKI,**
through her attorney,
Stephen D. Apolinsky
114 East Ponce de Leon Avenue
Decatur, Georgia 30030

01- R -0944

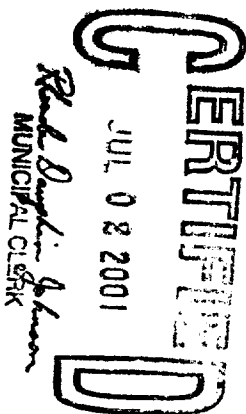
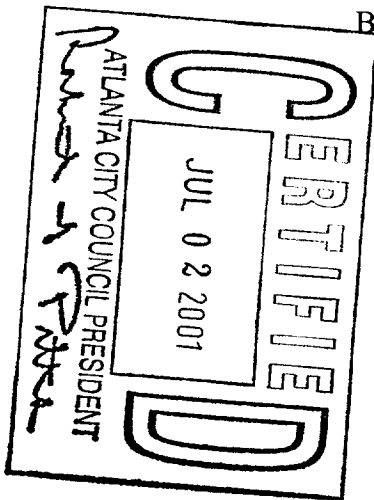
For damages alleged to have been sustained as a result of personal injuries due to stepping onto an open water meter on March 29, 1999 at 3049 Peachtree Road.

THIS ADVERSE REPORT IS APPROVED

BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Cy DCA*

ADVISED BY
CITY COUNCIL JUL 02 2001



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/20/01

CHAIR: C.T. Nix

Michael D. Dwyer

Chela Henderson

Cathy



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 2, 2001

Attorney Stephen D. Apolinsky
114 East Ponce De Leon Avenue
Decatur, Georgia 30030

01-R-0944

RE: Alandra Jami Sadowski

Dear Attorney Apolinsky:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 2, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0643

Date: June 5, 2001

Claimant /Victim ALANDRA JAMI SADOWSKI
BY: (Atty) Stephen D. Apolinsky
Address: 114 East Ponce de Leon Avenue, Decatur, Georgia 30030
Subrogation: Claim for Property damage \$ Bodily Injury \$ **7,500.00**
Date of Notice: 09/28/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/29/99 Place: 3049 Peachtree Road
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured when she fell into an open water meter at the above location. The claim was tendered to United Water Services for handling. However, the claimant has now filed a lawsuit to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

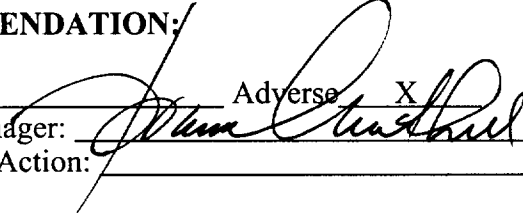
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-13-01
Committee Action: Council Action

EASTMAN & APOLINSKY

A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

THE WATKINS BUILDING

114 EAST PONCE DE LEON AVENUE

DECATUR, GEORGIA 30030

TELEPHONE: (404) 377-9191

FACSIMILE: (404) 377-6996

STEPHEN D. APOLINSKY (GA, AL & D.C.)
DAVID A. EASTMAN (GA & FL)
LORI A. SMITH (GA & FL)

E-MAIL ADDRESSES:
DAVID A. EASTMAN: DAEGBB@BELLSOUTH.NET
STEPHEN D. APOLINSKY: SAPOLINSKY@AOL.COM

Mitchell
10/04/99
DM

ENTERED - 10-8-99 - SB

September 27, 1999 0643 - DIANNE MITCHELL

BY HAND DELIVERY

Honorable William C. Campbell
City Hall, Suite 2400
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Susan Langford, Esq.
City of Atlanta Law Department
68 Mitchell Street
Atlanta, Georgia 30335

Fulton County Board of Commissioners
Mr. Mike Kenn, Chairman, District 1
Mr. Michael Hightower, Commissioner, District 7
Ms. Nancy A. Boxil, Commissioner, District 6
Ms. Emma I. Darnell, Commissioner, District 5
Mr. Robert E. Fulton, Commissioner, District 3
Ms. Karen E. Webster, Commissioner, District 2
Mr. Tom Lowe, Commissioner, District 4
Government Center, Tower, Suite 10035
141 Pryor Street, S.W.
Atlanta, Georgia 30303

Ms. Overtis Brantley, Esq.
Fulton County Government Center
141 Pryor Street, Suite 4038
Atlanta, Georgia 30303

RE: Ante Litem Notice to the City of Atlanta and Fulton County concerning Alandra Jami Sadowski
Trip and Fall in uncovered hole on Peachtree Street in Atlanta, Georgia

Demand for Payment of \$7,500.00

Dear Mayor Campbell, Ms. Langford, Ms. Brantley and Ladies and Gentlemen of the Board:

This firm represents Ms. Alandra Jami Sadowski. This letter shall serve as an ante litem notice of a personal injury claim pursuant to O.C.G.A. § 36-11-1 and 36-33-5. Ms. Sadowski intends and hereby does assert claims against each of your respective governmental entities, departments and agencies for injuries sustained as a result of her tripping upon an uncovered hole on Peachtree Street, resulting in

injuries suffered by my client. See enclosed photographs of the area of her fall. Said incident occurred on March 29, 1999.

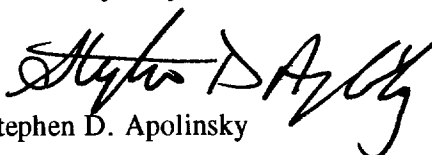
When Ms. Sadowski fell, she sustained injuries to the lower area of her leg. At the time of the incident, paramedics were dispatched to the scene of the incident. Subsequently, Ms. Sadowski sought medical attention from Physicians Immediate Med. and from Dr. Robert Hudec. She was prescribed several prescriptions for pain. To date, Ms. Sadowski's medical expenses total \$239.88. See enclosed medical bills and medical reports. My client has a scar which may necessitate surgery to fix since she is a successful model.

At the time of the accident, my client was a runway and print model working with Click Modeling Agency. See enclosed samples of Ms. Sadowski's work. Ms. Sadowski incurred lost wages from her job as a model due to the scar that was present on her leg and the fact that some photograph sessions required Ms. Sadowski to reveal her legs. Due to the scar being present on Ms. Sadowski's leg, she was overlooked for photo sessions and other job opportunities. We are in the process of documenting her lost wages and we reserve the right to supplement her lost wages as appropriate.

In addition to incurring medical expenses and losing wages, Ms. Sadowski has a claim for pain and suffering. It took her weeks to recover from this incident and she suffered physically as well as mentally from not knowing when she could return to work. As stated above, she continues to have a scar which, if not corrected, will be a constant reminder of her fall.

Pursuant to O.C.G.A. §§36-11-1 and 36-33-5, the City of Atlanta and Fulton County have thirty (30) days from the presentation of this claim to effect settlement. Demand is hereby made to pay my client \$7,500.00 for her injuries. Each of your respective governmental entities, department and agencies, failed to warn of the danger posed by the uncovered hole which was the proximate cause of Ms. Sadowski's injuries. Failing settlement of this claim, a civil action in a court of competent jurisdiction and venue shall be instituted for the recovery of actual, general and special damages, plus cost of suit.

Yours very truly,


Stephen D. Apolinsky

SDA/tbf

enclosures

cc: Ms. Alandra J. Sadowski

01- R-0944

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0819

CONSENT

07/02/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
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